

CEQA CHEAT SHEET

- ⇒ **CEQA is primarily procedural** – it does not substitute for policy
- ⇒ **City must act on the basis of “substantial evidence”**: evidence that is:
a) relevant; b) reasonable in nature; c) credible; and d) of solid value.
- ⇒ Must have ***facts*** or ***conclusions based on facts***
- ⇒ **Rules of thumb**:
- always choose ***specific facts*** over more general statements
 - unsupported conclusory statements are not substantial evidence
 - broad statements by experts are often substantial evidence of adverse impact
 - but broad statements by experts that there is no significant effect have been held not to be substantial evidence
- ⇒ **City has duty to mitigate (avoid) impacts, wherever feasible**
- ⇒ must have proof of mitigation ***at the time of action***
- mitigation measures must be specific, verifiable, and enforceable
 - Cannot defer mitigation
 - Cannot leave mitigation in the hands of another agency
 - *Would you sign away your personal rights on a very broad provision?*
- ⇒ One single exception when adopt statement of overriding considerations ***with EIR*** - - generally, only with an EIR can you approve a project that will have a significant, unavoidable impact
- ⇒ **Test for EIR is whether project *may* have a significant effect**, which is not mitigated at the time of CEQA determination.
- ⇒ Countervailing evidence does not negate substantial evidence of adverse effect
- ⇒ Where in doubt with negative declaration, require an EIR
- ⇒ **Conversely, City only gets ONE BITE OF THE APPLE to impose conditions** - cannot change its mind after proceedings have concluded

Substantial Evidence or Not?

“substantial”	not “substantial”
“The site plan will violate the specific plan’s interface standards because it does not show trees, which the plan says are necessary to mitigate noise, fumes and other impacts from the industrial site upon adjacent residences.”	“That project is inconsistent with the plan.”
“I have often seen cars stack up in the left turn lane of that intersection. Adding 1600 trips per day to the intersection can only make things worse.”	“I just know cars will stack up there.”
The color blue is specifically prohibited anywhere on that street pursuant to Policy xyz of the specific plan.	“Blue looks absolutely dreadful. Make it yellow.”
“I have worked for this company for 25 years operating this machine and can assure you that you can feel the ground vibrate for up to 100 yards away.”	“That machine is loud.”